

talked about this being about a judge not reviewing pending legislation. I know some judges do have a hesitancy about reviewing pending legislation but after this is passed and it's going to be reviewed, it will no longer be pending. It will be something that is going to become law; it's going to be effective. I was one of the legislators who thought that we should have returned it to committee and that the Judiciary Committee should have spent more time on it. We do have decided to do a number of other studies this interim and I don't think the Judiciary Committee, in all realistically, is going to have the time this summer to work on amendments necessary in this particular piece of legislation. Certainly, the Judiciary Committee will not have the time to do an indepth study as I envision this group doing to point out the technical errors. So I think since it appears that we are going to pass this legislation; that is the way that it appears to me now. We should put this safeguard in to take care of any of the problems which may come up as a result of the criminal code. I think that Senator Bereuter has made a good amendment and I think that we should pass it. I would also support the Fowler amendment to have the individuals appointed by the Executive Board.

PRESIDENT: Would you like to close Senator Fowler?

SENATOR FOWLER: I think I should have the Clerk read the exact language on the, my amendment just so people know it.

CLERK: Mr. President, the Fowler amendment is as follows. Read amendment on page 1404 of the Journal.

SENATOR FOWLER: The intent of the amendment is to make sure that the intent of this section is implemented. Senator Bereuter wants a review simply of technical questions of the criminal code to make sure that language is correct, there is no ambiguities, inconsistencies, and so on. In order that this committee not go beyond that, I think the Legislature should exercise control of appointment and make clear to those that are appointed that this is all that we are asking them to do. So that is why I think the control of appointment should comply with the Legislature. I discussed it with Senator Bereuter; it's acceptable to him. I don't think there are any constitutional questions as to whether Legislature has the power to appoint this committee because this is not a committee with any sort of decision making power. It's simply an advisory group to the Legislature. Senator Bereuter's original amendment said that the report would come to the Legislature, so I think we should appoint the committee. I'd move for adoption of this amendment to Senator Bereuter's amendment.

PRESIDENT: The question is the adoption of Senator Fowler's amendment to Senator Bereuter's amendment. Record your vote. Record.

CLERK: 24 ayes, 1 nay on motion to adopt.

PRESIDENT: The amendment is adopted. Senator Bereuter.

SENATOR BEREUTER: Mr. President, members of the Legislature. I think you all understand the intent of it. Many times I agree with Senator Chambers and this instance I do not. I feel that while he raises some concerns, those concerns could